



DEPARTMENT OF THE ARMY
HEADQUARTERS, 35TH AIR DEFENSE ARTILLERY BRIGADE
UNIT #2075
APO AP 96278

EAAD-Z

AUG 3 0 2017

MEMORANDUM FOR All 35th Air Defense Artillery Brigade Soldiers and Civilians

SUBJECT: 35th Air Defense Artillery Brigade Policy Letter #2 - Sexual Harassment/
Assault Response Prevention (SHARP) Program

1. References.

- a. Army Regulation 600-20 (Army Command Policy), November 2014, Chapter 8
- b. DoD Instruction 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures) 7 July 2015
- c. Memorandum, HQs United States Forces Korea (USFK), FKCC, 02 January 2014, subject: US Forces Korea (USFK) Command Policy Letter #9, Sexual Assault Prevention and Response (SAPR)
- d. Memorandum, HQs 8th Army, EACG, 09 December 2013, subject: Eighth Army Command Policy Letter #11, Sexual Harassment/Assault Response and Prevention (SHARP) Program
- e. Army Regulation 350-1 (Army Training and Leader Development), 19 August 2014
- f. ALARACT Message 188/2014, HQDA, DCS G-1, DTG: 260242Z JUL 14, subject: HQDA EXORD 193-14 Screening of Sexual Harassment/Assault Response and Prevention personnel and others in identified positions of significant trust

2. The 35th ADA Brigade SHARP policy is as follows:

- a. Sexual assault is a crime and is incompatible with Army Values. 35th ADA Brigade will do everything possible to prevent sexual assault by focusing on prevention through education and training. Sexual harassment often leads to sexual assault and stopping these actions is paramount to achieving our goal. We will encourage reporting and strive to reduce the stigma associated with sexual violence. Once reported, we will focus on care for victims while fully supporting the criminal investigation and legal processes to hold offenders accountable. Sexual Assault is a crime punishable IAW the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws. We will support the SHARP Program to meet the needs of every Soldier, Civilian and Family Member.

EAAD-Z

SUBJECT: 35th Air Defense Artillery Brigade Policy Letter #2 - Sexual Harassment/
Assault Response Prevention (SHARP) Program

b. The commander is committed to the SHARP program and dedicated to fostering a climate that promotes dignity and respect for all Soldiers, to establish clear standards for personal behavior, and hold offenders accountable. As leaders, commanders must be keenly aware of and sensitive to the climate of their units. Commanders must continuously educate their Soldiers on how to prevent incidents of sexual harassment/assault while encouraging victims and witnesses to report these incidents when they occur. Leaders must also be aware that Soldiers who are sexually assaulted are physically, mentally, and emotionally traumatized and wounded. A wounded Soldier must never be left alone on the battlefield.

c. Soldiers, leaders and commanders shall immediately report all actual, suspected, or alleged sexual assaults to their Victim Advocate (VA) and/or the Sexual Assault Response Coordinator (SARC).

d. Commanders shall ensure that all service members and civilian employees within their commands are familiar with HQs DA, USFK, 8th Army and the brigade's sexual assault policy and that these policies are prominently displayed in their common areas.

e. Soldiers shall receive at least one hour of sexual harassment/assault prevention and awareness training during the newcomer's briefing and then quarterly. The battalion SARCs in conjunction with the brigade SARC and other personnel as required shall use training, education, and awareness to:

- (1) Prevent sexual harassment and assault.
- (2) Promote responsible drinking.
- (3) Promote the sensitive handling of victims of sexual assault.
- (4) Maintain confidentiality and offer counseling services.
- (5) Reinforce a commitment to Army Values.
- (6) Ensure all Soldiers work to prevent sexual assault from occurring.

3. Definition of sexual assault/ harassment:

a. Sexual assault is generally defined as intentional sexual contact, characterized by use of force, intimidation, or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, forcible sodomy (oral or anal sex), and other unwanted sexual contact that is aggravated, abusive, or wrongful (including unwanted and inappropriate sexual contact), or attempts to commit these acts.

EAAD-Z

SUBJECT: 35th Air Defense Artillery Brigade Policy Letter #2 - Sexual Harassment/
Assault Response Prevention (SHARP) Program

b. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders.

c. Consent shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

4. Responsibilities:

a. Battalion Commanders responsibilities:

(1) Commanders will identify potential VAs. The VA will be a Non-commissioned Officer Staff Sergeant or higher, an officer 1LT/CW2 or higher, or a civilian GS-9 or higher.

(2) Ensure training on sexual assault prevention and awareness annually and ensure unit level SHARP training is conducted quarterly and documented on unit training schedules.

(3) Establish and publish policies on the responsible consumption of alcohol.

(4) Foster a command climate that encourages the reporting of sexual assaults without fear of retaliation.

(5) Immediately notify the SARC of all allegations of sexual assault. This includes "old" or inherited cases not previously reported or reported and not investigated.

(6) Take immediate steps to ensure the victims' physical safety, emotional security and medical treatment needs are met. Ensure victims are provided reasonable protection from the offender.

(7) Report sexual assault to the VA/SARC to ensure victims have access to appropriate assistance and care from the initial time of report to completion of all required treatment.

(8) Commanders shall post written sexual assault policy memorandums. The memorandum must include an overview of the command's commitment to the sexual assault prevention and response program; victim's rights; the definition of sexual assault; available resources to support victims; and statements that sexual assault is punishable under the UCMJ and other federal and local civilian laws and that sexual assault is incompatible with the Army Values.

EAAD-Z

SUBJECT: 35th Air Defense Artillery Brigade Policy Letter #2 - Sexual Harassment/
Assault Response Prevention (SHARP) Program

(9) When determining how to best dispose of victim's alleged collateral misconduct, commanders and supervisors will take into account the trauma to the victim and respond appropriately so as to encourage reporting of sexual assault and the continued cooperation of the victim. Commanders may defer taking disciplinary actions regarding such misconduct until after the final disposition of the sexual assault case.

(10) Shall consider if an administrative separation of the victim is in the best interest of the Army, the victim, or both. The victim is entitled to a full and fair consideration of their military service and particular situation. It is vital that all such separation actions and all determinations be consistent and appropriate IAW appropriate regulations.

b. Battalion SARC and VA responsibilities.

(1) Conduct education and training on sexual assault prevention and awareness annually and ensure unit level SHARP training is conducted quarterly.

(2) Immediately notify the brigade SARC of all allegations of sexual assault. This includes "old" or inherited cases not previously reported or reported and not investigated.

(3) Ensure victims are provided medical attention and reasonable protection from the offender.

(4) When assigned to a victim, the VA will provide crisis intervention, referral, and ongoing non-clinical support to the sexual assault victim. The victim alone will decide whether to accept the offer of victim advocacy services. The VA will also:

(a) Advise the victim on their options for restricted and unrestricted reporting when assigned a sexual assault case.

(b) Ensure the victim acknowledges in writing their preference for restricted or unrestricted reporting on DD Form 2910 with the brigade SARC.

(c) If the victim chooses the restricted reporting option, the VA will ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or commander. The victim must also be informed they have the right to change the reporting option from restricted to unrestricted at any time.

(d) Coordinate activities with the SARC to minimize re-victimization / secondary victimization and duplication of services of all sexual assault victims.

(e) Provide information on sexual assault issues and victim's status to the SARC at an interval determined by the SARC or more frequently if the situation warrants.

EAAD-Z

SUBJECT: 35th Air Defense Artillery Brigade Policy Letter #2 - Sexual Harassment/
Assault Response Prevention (SHARP) Program

(f) Provide on-call 24hr services to victims of sexual assault. The SARC must be informed immediately of all activities that occur during or after normal duty hours.

(5) Attend and help prepare for the brigade's monthly Prevention of Sexual Assault Task Force.

c. All members of 35th ADA Brigade shall:

(1) Maintain a climate that promotes dignity and respect to all by eliminating behavior that violates our ethos and serves to tarnish the prestige of the U.S. Army.

(2) When witnessing another person physically, sexually or verbally assaulting another person, take appropriate action. Intervene on behalf of all potential victims to ensure you are not a bystander.

5. Victim's Rights:

a. The right to be treated with fairness, dignity, and a respect for privacy.

b. The right to be protected from the accused offender.

c. The right to be notified of court proceedings.

d. The right to be present at all public court proceedings related to the assault unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial, or for other good causes.

e. The right to talk to the attorney for the Government in the case.

f. The right to seek restitution, if appropriate.

g. The right to an expedited reassignment or transfer.

h. The right to information regarding conviction, sentencing, imprisonment, and release of the offender from custody.

6. Confidentiality and victim privacy:

a. Confidentiality of medical information will be maintained in accordance with current guidelines of Health Insurance Portability and Accountability Act (HIPAA) whether the victim selects restricted or unrestricted reporting.

b. In cases of restricted reporting, the SARC, VA and healthcare providers may not disclose covered communications to law enforcement or command authorities, either within or outside the DOD.

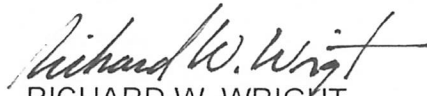
EAAD-Z

SUBJECT: 35th Air Defense Artillery Brigade Policy Letter #2 - Sexual Harassment/
Assault Response Prevention (SHARP) Program

c. Covered communications are oral, written, or electronic communications of personally identifiable information made by a victim to the SARC, assigned victim advocate or to a healthcare provider related to their sexual assault.

7. The point of contact for this policy is MSG Katrina Williams, 35th ADA BDE SARC, DSN 784-1979 or email katrina.r.williams11.mil@mail.mil.

8. Ready in Defense!


RICHARD W. WRIGHT
COL, AD
Commanding